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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Giles, et al.

Atty Docket: 2373/103

Int'l Appl No.: PCT/AU00/00171

Date: 05 November 2002

Int'l Filing Date: 10 March 2000

For: TREE HARVESTING APPARATUS

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MAY 07 2003

GROUP 3600

**CERTIFICATE OF EXPRESS MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service in an envelope as "Express Mail Post Office to Addressee", mailing Label Number EV 153310418 US, addressed to: Commissioner for Patents, Washington, D.C. 20231 on 05 November 2002.



Timothy M. Murphy

Commissioner for Patents  
Washington, DC 20231  
BOX PCT  
Attn: PCT Legal Office

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MAY 01 2003

TECHNOLOGY CENTER R3700

**PETITION TO RESET PERIOD FOR RESPONSE  
DUE TO NON-RECEIPT OF ACTION**

Dear Sir:

This petition is being filed to request that the period for responding to the Notification of Missing Filing Requirements Under 35 U.S.C. 371 in the U.S. Elected Office be restarted. This notice was never received by the Applicant.

Applicant filed the U.S. national phase application on September 10, 2001, and received the application return postcard on September 19, 2001, a copy of which is enclosing indicating the PTO's date stamp. However, the U.S. application number assigned to this case was not indicated on either side of the postcard. On July 13, 2002, Applicant's attorney called the Office of Initial Patent Examining and was informed of the U.S. application number.

On August 13, 2002, Applicant's attorney checked the status of this application on PAIR and discovered that the Notification of Missing Filing

Requirements was mailed on October 30, 2001. On the same day, August 13, 2002, we mailed the Completion of Filing Requirements which included the executed Declaration and Power of Attorney, and Request for Recordation of Assignment, a copy of which is enclosed. Also enclosed is a copy of the Express Mail receipt confirming the mailing date of August 13, 2002, and a copy of the return postcard date stamped by the PTO with this date as well.

Since this date, we have not received communication from the PTO relating to this case. We have left messages with the PCT Legal Department and have not received any return phone calls. Periodic status checks through PAIR have not supplied us with any updated information.

Accordingly, Applicant requests the period for responding to the Notification of Missing Filing Requirements be restarted, and the Completion of Filing Requirements be considered as received on time.

Please charge the petition fee of \$130.00 to Deposit Account 19-4972. If any additional fees are required, you are hereby authorized to charge Deposit Account 19-4972.

Dated: 05 November 2002

Respectfully submitted,



Timothy M. Murphy  
Registration No. 33,198  
Attorney for Applicant

Bromberg & Sunstein LLP  
125 Summer Street  
Boston, MA 02110-1618  
(617) 443-9292

02373/00103 225382.1

2373/103 'B'

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SEP 19 2001

BROMBERG & SUNSTEIN

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YX:ktw

PLEASE DATE STAMP AND RETURN

The Commissioner for Patents has received from Bromberg & Sunstein the following

Box PCT  
Attn: EO/US

Applicant: Giles et al.

Title: Tree Harvesting Apparatus

Int'l Application No: PCT/AU00/00171

Documents:

( ) Request - \_\_\_\_\_ pages

( ) Description - \_\_\_\_\_ pages

( ) Claims - \_\_\_\_\_ pages

( ) Abstract

( ) \_\_\_\_\_ sheets drawings  
formal ( ) informal

( ) General Power of Attorney

(X) U.S. National Phase Application

(X) Application Data Sheet

( )

Docket No: 2373/103

Int'l Filing Date: 10 March 2000

Date: 10 September 2001

Express Mail No: EL 856 408 486 US

( ) Demand for Preliminary Examination

( ) Letter & Article 34 Amendment

( ) Replacement sheets

( ) Fee Calculation Sheet

( ) Check in the amount of

( ) Response to Invitation to Correct Defects

(X) Copy of International publication WO00/52998

(X) Preliminary Amendment

( )

410 Rec'd PCT/PTO 10 SEP 2001

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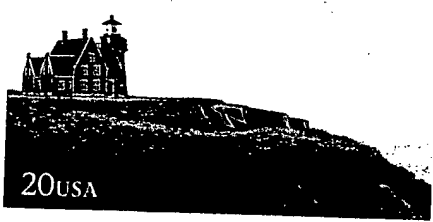
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**BROMBERG & SUNSTEIN**

**DOCKETED**



**Bromberg & Sunstein LLP  
125 Summer Street  
Boston, MA 02110-1618**

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EV153315097US

**Docketed**

Practitioner's Docket No. 2373/103

**CHAPTER II**

**IN THE UNITED STATES ELECTED OFFICE (EO/US)**

PCT/AU00/00171	10 March 2000 (10.03.00)	10 March 1999 (10.03.99)
International Application Number	International Filing Date	International Earliest Priority Date

TITLE OF INVENTION: Tree Harvesting Apparatus

APPLICANT(S): Giles, Richard Courthope; Pederick, Harley Lawson

Box PCT  
Commissioner for Patents  
Washington, D.C. 20231  
ATTENTION: EO/US

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**JUL 2 2 2003**

TECHNOLOGY CENTER R3700

**COMPLETION OF FILING REQUIREMENTS  
FOR INTERNATIONAL APPLICATION ENTERING U.S. NATIONAL STAGE  
IN U.S. ELECTED OFFICE (EO/US) UNDER 35 U.S.C. section 371**

A Notification to File Missing Requirements has not been received by Applicant.

**CERTIFICATION UNDER 37 C.F.R. section 1.10\***

*(Express Mail label number is mandatory.)*

*(Express Mail certification is optional.)*

I hereby certify that this paper, along with any document referred to, is being deposited with the United States Postal Service on this date 13 August 2002, in an envelope as "Express Mail Post Office to Addressee," mailing Label Number EV 153315097 US, addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

Timothy M. Murphy

*(type or print name of person mailing paper)*

  
Signature of person mailing paper

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"Since the filing of correspondence under [section] 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

## DECLARATION OR OATH

- I. No original declaration or oath was filed. Enclosed is the original declaration or oath for this application.

## FEES

### II.

#### 1. Fees for claims

Each independent claim in excess of 3.

(37 C.F.R. section 1.492(b))

\$0.00

Each claim in excess of 20

(37 C.F.R. section 1.492(c))

\$0.00

#### 2. Surcharge fees

Surcharge set forth in 37 C.F.R. section 1.492(e) for accepting the declaration later than 30 months after the priority date in filing an application in the U.S. as a designated office.

\$65.00

**Total Fees \$ 65.00**

## SMALL ENTITY STATUS

- III. Applicant claims small entity status.

## EXTENSION OF TIME

- IV. The proceedings herein are for a patent application. Accordingly, the provisions of 37 C.F.R. section 1.136(a) apply.

Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

## TOTAL FEE DUE

- V. The total fee due is:

Completion fee(s) \$ 65.00

**TOTAL FEE DUE \$ 65.00**

**PAYMENT OF FEES**

**VI. - Enclosed is a check in the amount of \$ 65.00.**

**AUTHORIZATION TO CHARGE ADDITIONAL FEES**

**VII. The Commissioner is hereby authorized to charge the following additional fees that may be required by this paper and during the entire pendency of this application to Account No. 19-4972.**

**\*37 C.F.R. section 1.492(a)(1), 1.492(a)(4) (filing fees)**

**\*37 C.F.R. section 1.492(b), (c), and (d) (presentation of extra claims)**

**\*37 C.F.R. section 1.17 (application processing fees)**

**\*37 C.F.R. section 1.17(a)(1)-(5) (extension fees pursuant to section 1.136(a))**

**\*37 C.F.R. section 1.492(e) and/or (f) (surcharge fees for filing the declaration and/or an English translation of an international application later than 30 months from the earliest-claimed priority date).**

**Date: 13 August 2002**



**Timothy M. Murphy  
Registration No. 33,198  
Bromberg & Sunstein LLP  
125 Summer Street  
Boston, MA 02110-1618  
US  
617-443-9292  
Customer No. 002101**



**COMBINED DECLARATION AND POWER OF ATTORNEY**

**(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL,  
CONTINUATION, OR C-I-P)**

As a below named inventor, I hereby declare that:

**TYPE OF DECLARATION**

This declaration is for a national stage of PCT application.

**INVENTORSHIP IDENTIFICATION**

My residence, post office address and citizenship are as stated below, next to my name. I believe that I am an original, first and joint inventor of the subject matter that is claimed, and for which a patent is sought on the invention entitled:

**TITLE OF INVENTION**

Tree Harvesting Apparatus

**SPECIFICATION IDENTIFICATION**

The specification was filed on September 10, 2001, as International Application Number PCT/AU00/00171.

**ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR**

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information, which is material to patentability as defined in 37, Code of Federal Regulations, Section 1.56, and which is material to the examination of this application; namely, information where there is a substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent.

**PRIORITY CLAIM (35 U.S.C. Section 119(a)-(d))**

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

Such applications have been filed as follows.

**PRIOR PCT APPLICATION(S) FILED WITHIN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS APPLICATION  
AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. SECTION 119(a)-(d).**

INDICATE IF PCT	APPLICATION NUMBER	DATE OF FILING DAY, MONTH, YEAR	PRIORITY CLAIMED UNDER 35 U.S.C. SECTION 119
PCT	PCT/AU00/00171	10 March 2000	yes

**ALL FOREIGN APPLICATION(S), IF ANY, FILED MORE THAN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

PCT/AU00/00171; filed March 10, 2000  
PP9126 AU, filed March 10, 1999

## POWER OF ATTORNEY

I hereby appoint the following practitioner(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

APPOINTED PRACTITIONER(S)	REGISTRATION NUMBER(S)
Yang Xu	45,243
Bruce D. Sunstein	27,234
Robert M. Asher	30,445
Timothy M. Murphy	33,198
Steven G. Saunders	36,265
Harriet M. Strimpel	37,008
Karen A. Buchanan	37,790
Samuel J. Petuchowski	37,910
Jeffrey T. Klayman	39,250
John J. Stickevers	39,387
Elizabeth P. Morano	42,904
Jean M. Tibbetts	43,193
Jay Sandvos	43,900
Sonia K. Guterman	44,729
Keith J. Wood	45,265
Alton Hornsby, III	47,299
Alexander J. Smolenski	47,953
John L. Conway	48,241

I hereby appoint the practitioner(s) associated with the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

SEND CORRESPONDENCE TO

DIRECT TELEPHONE CALLS TO:

Timothy M. Murphy  
617-443-9292

Timothy M. Murphy  
125 Summer Street  
Boston, MA 02110-1618  
US


Customer Number 002101

### DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

### SIGNATURE(S)

Richard Courthope Giles

Inventor's signature 


Date 8/8/2002

Country of Citizenship AU

Residence Dwellingup AU

Post Office Address River Road, Dwellingup WA 6213 AU

Harley Lawson Pederick

Inventor's signature 

Date 10-2-02

Country of Citizenship AU

Residence Wagin AU

Post Office Address 35 Vesper Street, Wagin WA 6315 AU

Practitioner's Docket No. 2373/103

IN THE UNITED STATES DESIGNATED OFFICE (DO/US)

PCT/AU00/00171	10 March 2000 (10.03.00)	10 March 1999 (10.03.99)
International Application Number	International Filing Date	International Earliest Priority Date

TITLE OF INVENTION: Tree Harvesting Apparatus

APPLICANT FOR DO/US: Giles, Richard Courthope; Pederick, Harley Lawson

Box PCT  
Commissioner for Patents  
Washington, D.C. 20231  
ATTENTION: DO/US

COVER SHEET FOR ASSIGNMENT (37 C.F.R. section 1.331) ACCOMPANYING  
INTERNATIONAL APPLICATION ENTERING NATIONAL STAGE  
IN U.S. DESIGNATED OFFICE (DO/US) UNDER 35 U.S.C. section 371

IDENTIFICATION OF APPLICATION (37 C.F.R. section 3.21 and 37 C.F.R. section 3.31(a)(4))

1. The patent application filed herewith, and to which the attached assignment (document) refers, is identified as follows:

CERTIFICATION UNDER 37 C.F.R. section 1.10\*

(Express Mail label number is mandatory.)

(Express Mail certification is optional.)

I hereby certify that this paper, along with any document referred to, is being deposited with the United States Postal Service on this date 13 August 2002, in an envelope as "Express Mail Post Office to Addressee," mailing Label Number EV 153315097 US, addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

Timothy M. Murphy

(type or print name of person mailing paper)

  
Signature of person mailing paper

**WARNING:** Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. section 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

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"Since the filing of correspondence under [section] 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

(Cover Sheet for Assignment Application Accompanying International Application Entering National Stage in U.S. Designated Office (DO/US) under 35 U.S.C. section 371--page 1 of 4)

a. Date of execution: February 8, 2002

b. Name of each inventor:

1. Giles, Richard Courthope

2. Pederick, Harley Lawson

c. Title of invention: Tree Harvesting Apparatus

**NAME OF PARTY(IES) CONVEYING INTEREST**

2. The party(ies) conveying this interest is (are):

Giles, Richard Courthope; Pederick, Harley Lawson

**NAME AND ADDRESS OF PARTY(IES) RECEIVING INTEREST**

3. The rights are being conveyed to:

Name: Oil Mallee Company of Australia Pty. Ltd.

Address: 1/277 Great Eastern Highway

Belmont, W.A. 6104 Australia

**DESCRIPTION OF INTEREST CONVEYED OR TRANSACTION RECORDED**

4. The accompanying document intends to accomplish an assignment.

**NAME AND ADDRESS OF PARTY TO WHOM CORRESPONDENCE  
SHOULD BE MAILED**

5. Please address correspondence to:

Name: Timothy M. Murphy  
Bromberg & Sunstein

Address: 125 Summer Street  
Boston, MA 02110-1618

Telephone No.: (617) 443-9292

**DATE ASSIGNMENT (DOCUMENT) EXECUTED**

The attached assignment (document) was executed on February 8, 2002.

**LANGUAGE OF ASSIGNMENT (DOCUMENT) TO BE RECORDED**

7. The attached document is in the English document.

**ORIGINAL DOCUMENT OR TRUE COPY SUBMITTED**

8. Submitted herewith is the original document.

**NUMBER OF APPLICATIONS IDENTIFIED IN THIS COVER SHEET  
AND THE FEE**

9. A. This cover sheet identifies only one application.

B. The fee for recordal (37 C.F.R. section 1.21(h)) is \$40.00.

Attached is a check for \$40.00.

**STATEMENT AND SIGNATURE**

10. To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Date: 13 August 2002



Timothy M. Murphy  
Registration No. 33,198  
Bromberg & Sunstein LLP  
125 Summer Street  
Boston, MA 02110-1618  
US  
617-443-9292  
Customer No. 002101

**TOTAL NUMBER OF PAGES BEING SUBMITTED**

11. The total number of pages being submitted, including cover sheet attachment(s), and documents are 7



## ASSIGNMENT

ASSIGNORS:

Richard Courthope Giles  
Harley Lawson Pederick

ASSIGNEES:

Oil Mallee Company of Australia Pty. Ltd.  
1/277 Great Eastern Highway  
Belmont, W.A. 6104  
Australia

TITLE:

Tree Harvesting Apparatus

ATTORNEY-DOCKET:

2373/103

INTL APPLICATION NO:

PCT/AU00/00171

INTL FILING DATE:

March 10, 2000

U.S. APPLICATION NO:

Not yet assigned

U.S. FILING DATE:

September 10, 2001

Assignors are inventors of a certain new and useful invention (the "Invention") described in a United States patent application (the "Application") bearing the above attorney docket number and having the above title. If a filing date and application number are shown, the Application has a Patent and Trademark Office filing date and application number as indicated above.

For valuable consideration, receipt of which is acknowledged, each Assignor hereby assigns to Assignees (which term shall include Assignee's successors and assigns), all of Assignor's right, title and interest in the Invention, all improvements therein, the Application and all priority rights arising therefrom, and any patents, and any reissues and extensions thereof, which issue in any country upon any patent applications which correspond with any of the

following: the Application; any application that claims priority from the Application (including as a divisional, continuation-in-whole or continuation-in-part, or as an application claiming priority from a provisional application); or any application based in whole or in part on any of the foregoing.

Each Assignor further agrees that such Assignor and Assignor's heirs and legal representatives will, without further consideration, cooperate with Assignee in the prosecution of all of the above applications, execute, verify, acknowledge and deliver all such further papers, including applications for patents and for reissues and extensions therefor, and instruments of assignment and transfer thereof, and will communicate any facts known to Assignor relating to the Invention, to obtain or maintain or enforce patents for the Invention and improvements therein in any and all countries and to vest title thereto in Assignee. Each Assignor further agrees that such Assignor will, without further compensation to Assignor during the term of such Assignor's employment by Assignee and thereafter for reasonable compensation as determined by Assignee, perform such other acts as may be reasonably required when requested by Assignee, including attending depositions, preparing and executing declarations and affidavits and testifying as a witness, to obtain or maintain or enforce patents for the Invention and improvements therein in any and all countries and to vest title thereto in Assignee.

IN WITNESS WHEREOF, each Assignor hereby executes this instrument on the date set

forth below.

Richard Courthope Giles

Date: 8 February, 200<sup>02</sup>1

Harley Lawson Pederick

Date: FEB 8<sup>th</sup>, 200<sup>02</sup>1

0237300103 174483.1

**STATEMENT CLAIMING SMALL ENTITY STATUS**

Applicant(s): Richard Courthope Giles  
Harley Lawson Pederick

Serial No: PCT/AU00/00171

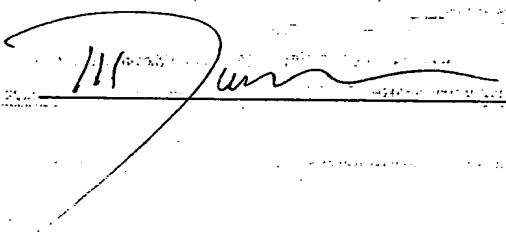
Date Filed: March 10, 2000

For:

I have read the Important Note Concerning Small Entities provided to me with this document.<sup>1</sup>

Oil Mallee Company of Australia PTY, LTD. qualifies as a small business as described in the Important Note. Furthermore, rights to the captioned invention are not licensed or subject to obligation to be licensed to a party other than a small entity.

I acknowledge the duty to file, in this application, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate.

Signature: 

Date: 22/2/02

02373/00103 174505.1

---

<sup>1</sup>Please call if you have questions regarding any aspect of the requirements of small entity status.

45937

**BROMBERG & SUNSTEIN LLP**  
125 SUMMER STREET  
BOSTON, MA 02110

CENTURY BANK & TRUST COMPANY  
BOSTON, MASSACHUSETTS

63-139/113

8/13/2002

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ORDER OF

Director of the USPTO

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2373/103

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## PLEASE DATE STAMP AND RETURN

The Commissioner for Patents has received from Bromberg &amp; Sunstein the following

Box PCT  
Attn: EO/US

Docket No: 2373/103

Applicant: Giles et al.

Int'l Filing Date: 10 March 2000

Title: Tree Harvesting Apparatus

Date: 12 July 2002

Int'l Application No: PCT/AU00/00171

Express Mail No: EV 153315097 US

## Documents:

( ) Request - \_\_\_\_\_ pages

( ) Demand for Preliminary Examination

( ) Description - \_\_\_\_\_ pages

( ) Letter &amp; Article 34 Amendment

( ) Claims - \_\_\_\_\_ pages

( ) Replacement sheets

( ) Abstract

( ) Fee Calculation Sheet

( ) sheets drawings

(X) Check for \$105.00

( ) formal ( ) Informal

( ) General Power of Attorney

( ) Response to Invitation to Correct Defects

( ) U.S. National Phase Application

(X) Completion of filing requirements

(X) Executed Declaration and Power of Attorney

(X) Executed Assignment and Cover Sheet for Assignment

( ) Application Data Sheet

(X) Small Entity Statement



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TMM: 2373/103	

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Date In 8/13/02	<input checked="" type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	Postage \$ 13.65		Delivery Attempt Mo. Day Mo. Day	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature	
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Docket No: 2373/103

Applicant: Giles et al.

Int'l Filing Date: 10 March 2000

Title: Tree Harvesting Apparatus

Date: 12 July 2002

Int'l Application No: PCT/AU00/00171

Express Mail No: EV 153315097 US

Documents:

( ) Request - \_\_\_\_\_ pages

( ) Description - \_\_\_\_\_ pages

( ) Claims - \_\_\_\_\_ pages

( ) Abstract

( ) sheets drawings  
formal ( ) Informal

( ) General Power of Attorney

( ) U.S. National Phase Application

(X) Executed Declaration and Power of Attorney

( ) Application Data Sheet

(x) Small Entity Statement

( ) Demand for Preliminary Examination

( ) Letter & Article 34 Amendment

( ) Replacement sheets

( ) Fee Calculation Sheet

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